

# EXHIBIT 3



# United States Marshals Service POLICY DIRECTIVES

## JUDICIAL SECURITY

### 10.2 COURT SECURITY

- A. Proponent:** Judicial Security Division (JSD).
- B. Purpose:** To establish policy and procedures for court security.
- C. Authority:** The authority of the United States Marshals Service (USMS) to execute orders issued under the authority of the United States is set forth in 28 U.S.C. § 566. The Director's authority to issue written directives is derived from 28 U.S.C. § 561(g) and 28 C.F.R. § 0.111. Specifically, 28 U.S.C. § 566 (e)(1)(A) establishes the USMS authority to provide personal protection to federal jurists, court officers, witnesses, and other threatened persons in the interests of justice where criminal intimidation impedes on the judicial process or any other official proceeding. The authority of the Attorney General to delegate the performance of any of his or her functions to the USMS is set forth in 28 U.S.C. § 510.
- D. Policy:** The USMS has the primary responsibility for ensuring the safety of the Federal Judiciary including judicial officers, court employees, and judicial facilities. This is accomplished through the use of USMS personnel, Court Security Officers (CSO), and deployment of security countermeasures and systems at federal courthouses and multi-tenant facilities housing court operations.
1. JSD shall provide guidance, oversight, and intelligence for USMS operations relating to courthouse and judicial security. The Assistant Director (AD), JSD, maintains the authority to direct the USMS response to court security missions.
  2. The USMS shall provide security during judicial proceedings and at judicial facilities upon the request of the judiciary or as deemed appropriate by the USMS.
  3. **Court Proceedings:** USMS districts, in consultation with their local judicial officials, shall determine and provide an appropriate level of security for all court proceedings.
    - a. The United States Marshal (USM), or designee, shall ensure that an assessment is made of each court proceeding using all known information and intelligence. A security level shall be identified for court proceedings, and any requirements outlined below shall be followed:
      - 1) **Level 1:** The assessed security risk of a particular civil proceeding is determined to be low and **there is no indication of potential disruptions or violence in the courtroom**. This level also applies to criminal pretrial proceedings where the defendant is not present and there are no indications of potential disruption or violence in the courtroom. Though generally not required, the USM, or designee, shall determine the need for a Deputy United States Marshal (DUSM) to provide security in a Level 1 proceeding on a case-by-case basis.
      - 2) **Level 2:** The assessed security risk of a particular criminal or civil proceeding is determined to be **generally non-hazardous, yet there may be a potential for disruption in the courtroom**. The USM, or designee, shall determine the need for a DUSM to provide security in a Level 2 proceeding on a case-by-case basis.
      - 3) **Level 3:** The assessed security risk of a particular criminal or civil proceeding is determined to present a **substantial opportunity for disruptive or other violent actions**. The USM, or designee, shall

determine if the proceeding constitutes as a Level 3, as well as appropriate staffing levels. A minimum of one DUSM is required to be present.

- 4) **Level 4:** A particular criminal or civil proceeding that is assessed to present a **high risk of disruption or violence in and/or around the courtroom**. This determination should be based on an assessment of indicators that collectively suggest that the proceeding constitutes a high potential for disruption or violence in or around the courtroom. More than one DUSM must be in the courtroom for this risk level.
- b. USMS districts shall contact the Office of Protective Intelligence, JSD, if assistance is required in obtaining intelligence and/or developing an assessment of any proceeding or event.
- c. Prior to the start of a court proceeding, the USM, or designee, shall ensure that:
  - 1) Courtrooms and surrounding areas are searched before each court session for hazardous or unauthorized devices, weapons, contraband, or unauthorized persons. After the search, the courtroom shall be secured.
  - 2) Spectators and trial participants shall be screened for hazardous or unauthorized devices, weapons, contraband, and their seating shall be controlled as circumstances require.
  - 3) All in-custody defendants and witnesses present at proceedings shall be prohibited from possessing anything that could be used as a weapon or device to aid an escape or cause bodily harm.
4. **Prisoners:** Any in-custody person, who must be physically present in the courtroom during any proceeding, will be escorted by at least two operational personnel.
  - a. District Security Officers and Detention Enforcement Officers may be used as operational personnel for prisoner handling, though a minimum of one DUSM must be present to provide judicial and courtroom security.
  - b. If more than one in-custody person will be present, there should be one operational employee per prisoner with at least one additional operational personnel when possible; also known as: "one-on-one, plus one." A minimum of one DUSM must be present to provide judicial and courtroom security.
  - c. CSOs are not authorized to serve as a part of a prisoner production team.
5. **Jury:** USMS districts shall provide security for the Grand Jury when in session and for petit juries during court proceedings. CSOs are authorized to serve as a part of the security team for this purpose.
6. **Sequestered Juries:** Pursuant to a court order, USMS districts shall provide for the safety and accommodations of a sequestered jury. The Clerk of the Court shall be responsible for all expenses associated with a sequestered jury.
  - a. All information related to a sequestered jury shall be maintained on Form USM-523, *Sequestered Jury Records*.
  - b. All sequestered jury trials must have a detailed operational plan. A copy of that plan shall be forwarded to JSD.
  - c. Upon completion of a sequestered jury, USMS districts shall notify JSD within 24 hours.
  - d. A detailed After Action Report shall be forwarded to JSD within 7 business days.

7. All extraordinary or significant activities or incidents relating to judicial security, a USMS protected person, or to judicial facilities shall be reported to the JSD Threat Management Center. This reporting shall be in addition to any requirements listed in USMS Policy Directive 17.17, *Significant Incident Reporting*.
8. **Special Assignment Funding:** USMS districts may submit Form USM-535 JSD, *Request for Special Assignment Resources*, to JSD to support extraordinary judicial events, see USMS Policy Directive 10.12, *Special Assignments*.
9. Capture shall be used to record and track facility incidents and preliminary assessments that do not rise to the level of a predicated protective investigation. With the exception of a significant incident, which should be entered in accordance with USMS Policy Directive 17.17, all entries into Capture shall be completed within 3 business days of the incident.

All entries into Capture shall be closed within 5 business days of incident resolution. If not closed, shall have at least one investigative update completed in Capture every 30 days.

#### E. Responsibilities:

1. **AD, JSD, and/or designee(s):** Provides support, guidance, and oversight of the USMS Judicial Security Program; including, but not limited to, personal protection missions, intelligence, threat management, the Judicial Facility Security Program, and the CSO Program.
2. **USM and/or designee(s):** Provides daily management of court security operations within their district and provides personnel and resources necessary to carry out the USMS protective mission.

#### F. Procedures:

1. **Operational Plan (as required):** Each operational plan having unclassified information of a sensitive and proprietary nature shall be marked and protected with dissemination controls in accordance with USMS Policy Directive 17.6.3, *Document Security*. It shall contain, at a minimum, the below listed information. Example operational plans can be found in JSD-SOP-OPO-006, *Procedure for Operational Advances*.
  - a. Mission Statement;
  - b. Threat Analysis/Assessment;
  - c. Protected Person Information;
  - d. Detail Chain-of-Command;
  - e. Detail Personnel Information;
  - f. Detail Assignments, Duties, and Responsibilities;
  - g. Communications Plan; and
  - h. Required Equipment.
2. **Operations Security:** All USMS personnel must recognize the sensitive nature of information regarding the USMS operations. The name of protected persons, locations, staffing, or even the existence of a USMS operation cannot be discussed with anyone outside of the USMS unless for pertinent operational or administrative reasons. No photos, video recordings, posts, or electronics messages can be posted on or through social media, e-mail, or instant messaging. USMS personnel using personal electronic devices during a USMS operation should turn off or disable any global positioning systems or location tracking system installed on those devices.
3. **Grand Jury Security:** Security may consist of the following:

- a. Making sure the jury room is free of unauthorized or hazardous items (explosive devices, chemicals, contraband, weapons, etc.);
  - b. Ensuring that the jurors are free from fear or intimidation;
  - c. Making sure the jury room is secured when not in use;
  - d. Only allowing authorized persons (attorneys for the government, the witness under examination, interpreters, and the stenographer or recorder) to be present;
  - e. Only jurors may be present while the grand jury is deliberating or voting; and
  - f. The waiting area outside the grand jury meeting room should be equipped with a duress alarm, connected to the alarm annunciator in the USMS control room. The CSO responsible for grand jury security should be aware of where this device is located.
4. **Court Order on Sequestration:** Additional information on Sequestered Juries can be found in JSD-SOP-OPO-003, *Sequestered Juries SOP*.
  5. **Additional Court Security Considerations:** The USM, or designee, may implement additional court security measures as deemed appropriate and in consultation with the presiding judicial officer.

**G. Definitions:**

1. **Judicial Proceeding:** Any criminal, civil, or bankruptcy hearing presided on by a federal judge.
2. **Grand Jury:** Consists of 16 to 23 individuals, impaneled to hear evidence presented by the government and to return an indictment or no true bill. Jurors serve until discharged by the court, but no longer than 18 months.
3. **Petit Jury:** A group of individuals who hear evidence presented at trial and then render a verdict. This type of jury normally consists of 12 individuals and up to 6 alternates.
4. **Sequestered Jury:** A jury may be sequestered for a short period during deliberation or for the entire trial by order of the court.
5. **Limited Sequestration:** Period of sequestration that does not involve overnight housing.
6. **Full Sequestration:** Any sequestration that involves overnight lodging.
7. **DUSM:** Any GS-082 or GS-1811 series USMS employee.

**H. References:**

1. [28 U.S.C. § 510](#), [Delegation of Authority](#).
2. [28 U.S.C. § 561](#), [United States Marshals Service](#).
3. [28 U.S.C. § 566](#), [Powers and Duties](#).
4. [28 C.F.R. § 0.111](#), [General Functions](#).
6. [Judicial Security Information Portal](#).
7. USMS Policy Directive 10.12, [Special Assignments](#).
8. USMS Policy Directive 17.6.3, [Document Security](#).
9. USMS Policy Directive 17.17, [Significant Incident Reporting](#).

10. Form [USM-523](#), *Sequestered Jury Records*.
11. Form USM-535 JSD, *Request for Special Assignments [restricted access]*.
12. JSD-SOP-OPO-003, [Sequestered Juries SOP](#).
13. JSD-SOP-OPO-004, [Judicial Conference Protective Operations](#).
14. JSD-SOP-OPO-006, [Procedure for Operational Advances](#).
15. JSD-SOP-OPO-007, [Off-Site Judicial Proceedings](#).

**I. Cancellation Clause:** Supersedes USMS Policy Directive 10.2, *Court Security*, dated September 27, 2017 and updated September 24, 2019, and will remain in effect until updated, superseded, or cancelled.

**J. Authorization and Date of Approval:**

**By Order of:**

**Effective Date:**

/s/  
Donald W. Washington  
Director  
U.S. Marshals Service

12/16/2019